

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE S.R.BANNURMATH

L.R.R.P.No.236/1989

BETWEEN:

M.N.Sathyanarayana Setty  
S/o Narasaiah Setty  
Aged about 50 years,  
R/o Kodagathur,  
Kodigenahalli Hobli,  
Madhugiri Taluk,  
Tumkur District.

..PETITIONER

(By Sri.N.Y.Guruprakash & Sri.Kaleemulla Shariff, Adv.)

AND:

1. The State of Karnataka  
by its Secretary,  
Revenue Department,  
Vidhana Soudha,  
M.S.Building,  
Dr.Ambedkar Veedhi,  
Bangalore-560 001.

2. The Land Tribunal,  
Madhugiri Taluk,  
Madhugiri, by its  
Secretary.

3. Malleshaiah  
S/o Mallaiah, Major,  
R/o Parthihalli,  
Kogenahalli Hobli,  
Madhugiri Taluk,  
Tumkur Dist.

..RESPONDENTS

(By Smt.K.R.Meena Kumari, HCGP  
Sri.M.Shivappa, for R-3)

This LRRP is filed u/s 121-A of the Karnataka Land Reforms Act, against the order dt.31.10.88 passed in LRA 137/87 (WP.NO.1140/84) on the file of the Addl. District LandReforms Appellate Authority, Tumkur, dismissing the appeal and confirming the order passed by the Land Tribunal Madhugiri in LRN NO.47/76-77 dt.31.12.83.

This LRRP is coming on for Hearing this day, the Court made the following:-

ORDER

Case called yesterday, none present. Called today, none present. As the case is of the year 1989, the Court considered the matter by perusing the records and passed the following Order:

2. This Revision Petition is filed challenging the order dt. 31.10.88 passed by the Land Reforms Appellate Authority, Tumkur in LRN.NO.137/87.

3. The brief facts are: The 3rd respondent filed an application in Form No-7 claiming occupancy rights in respect of the land bearing Sy.No.72/5 measuring 1Acres 20 guntas situated in Parthihalli village of Madhugiri Taluk of which the Revisional Petitioner is the Land lord. The Land Tribunal which took up the case by its order dt.7.7.77

granted occupancy rights to the 3rd respondent against which the petitioner herein filed a WP.NO.6697/77 which also came to be rejected by the learned Single Judge. Thereafter in the Writ Appeal No.1096/79 the Division Bench was pleased to set aside the order of the land Tribunal and remanded the same to the Tribunal for fresh enquiry. After the remand, the Land Tribunal again by its order dt.31.12.1983 confirmed the grant of occupancy rights which inturn is challenged before the Appellate Authority. The Appellate Authority also on going through the records found that the grant of occupancy rights by the Land Tribunal is just and proper.

4. The contentions raised in the petition are that in the absence of any lease deed or the gutta receipts, the Tribunal ought not to have granted occupancy rights to the 3rd respondent by placing reliance upon the revenue records which have got presumptive value is errenous and that

there is no proper enquiry as contemplated under the provisions of the Karnataka Land Records Act and hence the impugned orders are liable to be set aside. At the outset it is to be noted that this is a Revision Petition filed under the then existing Sec.121-A of the Karnataka Land Reforms Act. So far as the scope of the Revision is concerned it is limited one as held by the Hon'ble Supreme Court in the case of M/s. RAJALAKSHMI DYEING WORKS VS. RANGASWAMY CHETTIAR (AIR 1980 SC 1253). Whatever may be the language which confers the Revisional jurisdiction, that shall not act as a Court of First Appeal and hence the power is restricted to seeking of errors of jurisdiction. This Court can interfere with the impugned orders exercising revisional jurisdiction only on the findings recorded by the Appellate Authority if it is not supported by the evidence of record and the evidence relied upon is grossly mis-read by it. In other case, so far as findings

of facts are concerned, this Court has no jurisdiction or authority to interfere with the same. In the present case also both the Tribunal and the Appellate Authority have considered the presumptive value of the record of rights which shows that from the year 1971-72 till date, the name of the 3rd respondent is shown as the tenant. It is only in the year 1977, petitioner-landlord has tried to challenge the same in RTS Proceedings and that is also not concluded. Hence the presumption arising from the entries is that no contrary material has been produced by the petitioner to show that the 3rd respondent was not a tenant. Even the records produced by the Land Lord himself like Ex.P-9 goes to show that the petitioner was in possession and cultivating the land in question as on 1.3.74 and as such both the authorities have rightly confirmed the occupancy rights on the 3rd respondent. This being the finding of facts, this Court declines to interfere with the

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same, Hence the Revision Petition being devoid of merits is dismissed. No order as to costs.

Sd/-  
JUDGE